

Dockless Vehicle-Sharing Demonstration Project

Questions from Prospective Vendors and MCDOT Responses

- Article II, Section A.1.d. –Montgomery County consider changing the required response time to:

- When reported between 6 AM and 11 PM - Within 2 hours
- When reported between 11 PM and 6 AM - Prior to 8 AM

It is a burdensome requirement for our operations team to fix any and all reports of improper parking within the proposed time frame of 1 hour between the hours of 8am and 9pm. The model we operate allows us to fix all reports of improper parking within 2 hours. We believe that this same model and high level of service could be extended to our potential operations within Montgomery County. Through our operations in other cities, we have found that a 2-hour response rate is both an achievable timeframe for resolving instances of improperly parked scooters while also minimizing the negative impact of misparked scooters.

Response: In light of the expanded geographic area of the program, MCDOT will revise the MOU to require response within 2 hours when reported between 6 am and 11 pm. The MOU will be revised after completion of vendor selection process.

- Article II, Section A.5.d. -- As written this section would require Company to provide data reports about the previous month's operations within 3 business days of the end of the month. We respectfully request Montgomery County consider allowing operators to provide monthly reports within 5 business days of the end of the month. Data reporting requires the coordination of efforts from members of our engineering, data, trust and safety, operations, and government relations teams. We believe that allowing reporting to occur within 5 business days instead of within 3 will allow for more robust communication between these different teams and therefore more accurate and insightful reporting.

Response: MCDOT will agree to change the monthly reporting to 5 days in the final MOU after completion of vendor selection process.

- Article II, Section A.2.a. This section requires that Company have a minimum of 200 dockless vehicle available for rent at all times. Company will endeavor to deploy at least 200 scooters during daylight hours on days without extreme weather (heavy rain, snow, extreme wind, etc.). We encourage the County to allow of scooter operation to occur 24/7 but only require that 200 scooters be operational during daytime hours when there is not extreme weather. Is this understanding agreeable to the County?

Response: The 200-vehicle minimum fleet is calculated based on daylight hours and weather permitting.

- Article II, Section A.2.b. states that dockless vehicle caps may be adjusted based on utilization as reported weekly. Would the County consider allowing adjustments based on monthly reporting? Company has seen that certain events such as a multiple days of bad weather can have a outsized impact on weekly utilization rates but generally do not negatively impact monthly utilization rates.

Response: MCDOT will keep the requirement for weekly utilization reports, but overall averages for monthly or other extended time periods will be taken into account. MCDOT assumes that the company

will reduce its fleet of vehicles available for rent during bad weather. The MOU provides flexibility to the County to base adjustments to fleet sizes on additional factors.

- Article II, Section A.4.k. states that the County may remove and store Company's dockless vehicles if they fail to adhere to the parking measures as explicated in the MOU and notes that the Company must reimburse the costs associated with said removal and storage. Is the County able to clarify the estimated cost of removal and storage for each scooter?

Response: MCDOT will treat a dockless vehicle just as it treats a motor vehicle with the same towing and storage charges as a car. See:

[http://library.amlegal.com/nxt/gateway.dll/Maryland/comcor/chapter30cmotorvehicletowingandimmo biliz?f=templates\\$fn=altmain-nf.htm\\$q=\[field folio-destination-name:'30C.00.02'\]\\$x=Advanced#JD_30C.00.02](http://library.amlegal.com/nxt/gateway.dll/Maryland/comcor/chapter30cmotorvehicletowingandimmo biliz?f=templates$fn=altmain-nf.htm$q=[field folio-destination-name:'30C.00.02']$x=Advanced#JD_30C.00.02)

- Article II, Section A.5.v. states that Company will compensate a third party contractor to provide data assembly, visualization, and analysis to MCDOT. Does Montgomery County have an estimated cost for this third party's services?

Response: MCDOT is in discussions with third-party consultants and will have a final figure after the selection decision is made. Expect in the range of \$10,000 per year per operating company.

- Article II, Section A.3.e. requires that Company shall not require customers to grant location services from their phones. Company respectfully requests that the County reconsider the inclusion of this Section in the MOU. The use of location services allows Company to vastly improve our service offering and we have not received any negative customer feedback from our users about our use of their location information to provide a mobile app-based dockless mobility transportation system.

Response: This is the same requirement that DC has, so in addition to protecting customer privacy we are maintaining continuity to the extent possible with requirements of other regional jurisdictions. Company can still try to persuade customers to opt to enable location services for better service experience even though they are not required to do so.

- Article II, Section A.3.f. states that Company shall not require customers to share data with a third party. Will Montgomery County consider re-wording this Section to allow for the release of information when required by a legal proceeding? For example, language such as the following: "The permit holder must have an established Emergency Disclosure Request process to allow for the release of data and customer information to a law enforcement agency."

Response: MCDOT expects law enforcement to follow proper procedures to obtain information for a legal proceeding. Prior to finalizing the MOU with selected companies, we will consider adding clarifying language to the MOU to allow for such disclosures.

Data: If the County plans to make use of the Provider Mobility Data Specification (MDS) format for data sharing, we recommend implementing additional technical safeguards to protect individual user privacy. Specifically, the SharedStreets Micromobility Data Processing Pipeline provides a series of tools for collecting, processing, and interpreting MDS formatted data streams using SharedStreet analysis and aggregation methods. These tools are designed to minimize privacy and re-identification risks inherent in working with vehicle movement data and improve the quality and consistency of the derived analysis.

In addition, we note that the Los Angeles DOT is developing a supplement to the Provider MDS known as Agency MDS. As we have expressed to LADOT, we are concerned that aspects of the Agency MDS - including a “push” of real-time route data while vehicles are on a trip - raise new privacy challenges that have not yet been adequately addressed. In addition, MDS includes highly sensitive route information that could be used to re-identify an individual user; as a result, any data sharing using the MDS protocol should only be via a private API available to the City, not publicly available.

Response: MCDOT will look into the data specifications and the privacy issues and will clarify in the final MOU.

Data Clarification Questions:

- To the extent that MCDOT plans to rely on a third party to evaluate the Dockless Vehicle-sharing program, has MCDOT identified a potential third party provider? How does MCDOT intend to guarantee the security of sensitive data provided to this third party provider?

Response: MCDOT is in discussions with third-party consultants. Information regarding arrangements with the consultant will be made available to the selected companies prior to executing the MOU. Private data security is critical to MCDOT. The third-party contractor will have experience with handling this type of data for other shared-mobility services while maintaining security & confidentiality.

- To the extent that MCDOT intends to collect data and reports through non-public means, what policies and procedures does MCDOT have in place to ensure the security of personal data, including data that can potentially be used to contact or distinguish a person, including GPS, timestamp, and route information?

Response: Private data security is critical to MCDOT. The third party contractor will have experience with handling this type of data for other shared-mobility services while maintaining security & confidentiality.

- What information does MCDOT intend to require operators to provide in the monthly report to which it refers? Has the County developed a template and, if so, is it willing to share it with potential operators?

Response: MCDOT expects the monthly report to include trips by dockless mode (bikes and scooters), number of new and returning patrons, total and average trip duration, total and average distance traveled, daily trips per vehicle, and use of vehicles to access Metrorail stations, as well as safety reports including information on crashes and injuries, loss due to theft and vandalism, complaints received and addressed by nature of the complaint, and listing of public outreach and public education efforts. If the company has a low-income user program, then the report should also include the number of program users and trips taken.

- Washington, DC allows for 5 days for reporting. Would the County be willing to extend its 3 day requirement to be in parity with Washington, DC? Dockless mobility holds tremendous potential to improve transportation regionally, as well as in Montgomery County. To the extent that local jurisdictions have an opportunity to usher in new forms of transportation that could help displace car use with more environmentally friendly and affordable options throughout the Greater Washington DC region, they should seek to harmonize their transportation rules and requirements so that they are uniform and aligned with the daily flow of people across jurisdictional boundaries throughout the region. To that end, Company would encourage MCDOT and the surrounding jurisdictions to adopt and develop rules that are as uniform as possible, including when it comes to reporting requirements.

Response: MCDOT coordinates with the other DC area jurisdictions and agrees that there is merit in developing regional rules and requirements. To the extent possible we have tried to incorporate requirements into our pilot program that are consistent with those in other regional jurisdictions. However, the region has not established consistent regional rules and requirements at the present time. As stated earlier, MCDOT will change the MOU to require monthly reports to be submitted five days after the end of the month.

Additional Clarification Questions:

- Company would suggest that the County consider the following definition for electric scooters:

○ *A device weighing less than 100 pounds that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor. An “electric scooter” does not include an electric bicycle, electric personal assistive mobility device, motorcycle, or moped.*

Response: Montgomery County has proposed state legislation (SB770 and HB748) that defines an electric scooter as designed to transport only the operator, weighs less than 100 pounds, has single wheels in tandem or a combination of one or two wheels at the front and rear of the vehicle, is equipped with handlebars and a platform designed to be stood on while riding, is solely powered by an electric motor and human power, and is capable of operating at a speed of up to 25 miles per hour on a smooth level surface by an operator weighing 175 pounds. This legislation is currently pending in the Maryland General Assembly.

- Can the County clarify whether dockless vehicles are permissible on Rock Creek Trail, whether dockless bicycles, dockless e-scooters, or both?

Response: Current regulations prohibit electric powered vehicles from park trails. The Parks Department is reviewing its policies and regulations pertaining to e-bikes and e-scooters and may issue guidance in that regard. MCDOT does not regulate use of Parks trails.

- Can the County clarify the public policy objective it seeks to address by defining “response time” between the hours of 8am and 9pm as “within 1 hour from the time of report?” Given the large geographic area of the County and traffic considerations that might make this response time unrealistic, is the County open to continuing conversations to try to achieve the desired objective through alternative means?

Response: MCDOT agrees to change the requirement to two hours. The MOU will be revised after the selection of companies.

- The County has included a requirement that each vendor conduct monthly education programs. Would the County be open to amending this requirement to provide vendors more flexibility with respect to how and when they provide important safety information and education to customers?

Response: MCDOT would consider equal or better vendor-based education programs.

- What time frame does the County expect companies to become compliant with the requirement that information on vehicles must also be tactile for readers of Braille and for low vision individuals in order to participate in the Demonstration Project?

Response: MCDOT would expect this requirement to be met at the start of their participation in the demonstration program. Companies may propose an equal or better alternative.

- Does the county intend the vehicle limit of three per block face outlined in section 4(e) apply to both vehicle types collectively or for each vehicle type individually?

Response: MCDOT defines the three dockless vehicles per block face to include both e-bikes and e-scooters.

1. Can you please clarify the following vendor requirement in **Article II, Section (A)(4)(d)**: “Name of Company... will identify preferred parking areas for Dockless Vehicles in areas where such approaches are deemed necessary by the County”?

- a. Do these parking areas need to be identified in the letter of interest, or is this just a preliminary notification that vendors may be asked to identify these at some point if deemed necessary by the County?

Response: MCDOT requests companies include in the letter of interest where the company proposes to deploy dockless vehicles. It is understood that this would be a general location, including areas, neighborhoods, intersections, places of interest. Details will be worked out with companies selected for participation.

2. Can you please clarify the relationship and/or possible discrepancy between the two sentences in **Article II, Section (A)(5)(a)**: “Name of Company shall provide a publicly accessible application program interface (API) clearly posted on the company’s website that shows, **at a minimum, the current location of any Dockless Vehicles available for rent at all times.** Name of Company will follow Mobility Data Specification (MDS) to **describe mobility vehicle trips and their routes, location and status of each vehicle at any point in time and historically and provider service areas.**”?

- a. The first sentence includes a minimum requirement for the publicly-accessible API, but then the second sentence states that additional information must also be described in the API. Can you please clarify?

Response: There may be some confusion as to the data requirements. Name of Company agrees to provide the required data to a MCDOT third-party via direct API access to evaluate the Dockless Vehicle-sharing program. MCDOT will separate the requirements for a public feed (GBFS) from the private/third party feed (MDS).

3. Is MCDOT able to provide the estimated cost that vendors will incur in regards to the following data requirement in **Article II, Section (A)(5)(e)(v)**: “Name of company... agrees to compensate the third-party contractor directly to provide data assembly, visualization, and analysis to MCDOT.”?

Response: MCDOT is in discussions with third-party consultants and will have a final figure after the selection decision is made. Expect in the range of \$10,000 per year per operating company.

I am writing to confirm that interested parties need only submit a letter of intent to MCDOT by March 11, 2019. The MOU, surety bond and COI are only required after a company is selected by the county to provide dockless scooters and bikes. If that's not the case, please let us know.

Response: Companies are only required to submit a letter of interest by March 11, 2019. Signing the MOU, providing the surety bond and certificate of insurance are all due after MCDOT selects the companies for the pilot.

Second, what quantitative advantage do companies offering bikes and scooters receive during the evaluation process?

Response: MCDOT desires to have companies offer both e-bikes and e-scooters. If two companies are equally rated, then the company that offers both vehicles would be selected over a company that just offers one type of vehicle for the pilot.

1. Appendix A was not attached. Could we see the map for appendix A?

Response: The map is a link on the Press Release, dated February 26, 2019.

https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=22855

2. Will the County consider removing the sentence in Section 1(a) that states that the performance bond may be used to pay the obligations to a third-party contractor retained to collect and analyze operating date?

Response: MCDOT requires a performance bond to guarantee that all aspects of the MOU are being upheld, including the requirement to pay for the third-party contractor services.

3. Per Section 1(d) Is the County willing to allow extra time to the Response Times? While we would always have a goal of 1 hour, it is likely problematic in such a congested county such as Montgomery County.

Response: MCDOT will revise the requirement to a two hour response time between the hours of 6 am and 11 pm.

4. Why is there a discrepancy in Section 2 for daily ridership numbers between e-scooters (3) and e-bikes (1)? This seems odd since an e-scooter will be dictated to be a bicycle under State Code.

Response: The number of trips per day for e-bikes and e-scooters is independent of the Motor Vehicle Code definition. MCDOT will not count the number of e-bikes against the maximum number of permitted vehicles.

5. Under Section 4(k) will the County consider changing impoundment retrieval to five days?

Response: MCDOT expects the company to retrieve its vehicle(s) within one day. After 7 days the vehicle would be considered abandoned and MCDOT may dispose of the vehicle.

6. Under Section 5(a), can you clarify that the first sentence refers to GBFS and that the second sentence is in fact a separate thought entirely on MDS?

Response: There may be some confusion as to the data requirements. Name of Company agrees to provide the required data to a MCDOT third-party via direct API access to evaluate the Dockless Vehicle-sharing program. MCDOT will separate the requirements for a public feed (GBFS) from the private/third party feed (MDS).

7. Per Section 5(v), can clarify on how the County functionally envisions this working?

Response: MCDOT will designate a third-party contractor to provide MCDOT with data assembly, mapping, visualization services, and analysis of the company data. Each selected company will execute an agreement with this company to provide the required data and to pay the third-party contractor for

their services. Each dockless vehicle company selected will be required to execute this agreement with the contractor so MCDOT can have one set of data and mapping for the entire Demonstration Project.

8. Per Section 6, would the County consider changing this section to reflect that operators are financially responsible for only penalties and fines incurred as a result of an operator's violation of the MOU? If the operator is adhering to the terms of the MOU then we do not think it's appropriate to fines incurred by riders on the operator.

Response: The company is responsible for all user fines and penalties attributable to the use of its vehicles. The company may have user agreements that pass along these costs to the user.

Additional Questions

1. Does a cover page count towards the 3 page limit?

Response: The 3 page limit does not include the cover page.

2. "(i) Data must be provided in compliance with the most current Generalized Bikeshare Feed Specification (GBFS) v1.0 and Mobility Data Specification (MDS) formats"

We believe that the Mobility Data Specification (MDS) raises significant privacy and security concerns and would be happy to instead provide the County with an API providing real-time anonymized fleet data in the General Bikeshare Feed Specification (GBFS) format. Is that acceptable to Montgomery County? Why is the County requesting multiple data reporting methods?

Response: There may be some confusion as to the data requirements. Wording changed to: Name of Company agrees to provide the required data to a MCDOT-designated third-party via direct API access to evaluate the Dockless Vehicle-sharing program. MCDOT will separate the requirements for a public feed (GBFS) from the private/third-party feed (MDS).

3. ADA requirements for scooters: "Dockless vehicles must display company contact information in tactile format for the visually impaired" This is not something we've been asked to do in any other jurisdictions but we'd be happy to work with the county over the next few months to create a tactile decal with our phone number. Would Montgomery County be willing to provide operators with a 3 month grace period to create this new product?

Response: MCDOT would expect this requirement to be met at the start of their participation in the demonstration program. Companies may propose an equal or better alternative. MCDOT understands that there may be several versions developed before a final version is adopted, but MCDOT is committed to have this embossed lettering on the vehicles.

4. Which languages are required for the customer service support?

Response: MCDOT requires the companies to be able to respond to inquiries/complaints/requests from individuals that communicate in other languages within the required timeframe in the MOU.

5. Please provide clarification on what "real-time operational data" means in the following: "Selected companies will be required to provide real-time operational data for County management and for program analysis."

Response: Third-party contractor should be able to plot vehicle movements from data provided by the company.

6. Are there any specific requirements for the smart-lock? “connects users to specially designed vehicles equipped with GPS and a **proprietary smart-lock technology**”

Response: MCDOT understands that dockless vehicle technology depends upon the vehicles having GPS technology. MCDOT is not specifying any particular or proprietary smart-lock technology.

7. For the following requirement, can we provide this in our app instead of on the website? “Provide a publicly accessible application program interface (API) clearly posted on the company’s website that shows, at a minimum, the current location of any Dockless Vehicles available for rent at all times”

Response: MCDOT prefers to have the current location of any dockless vehicles on the website so that individuals without access to a smart phone can find and identify dockless vehicles. The website should also be ADA compliant.

8. “Name of Company will be responsible for conducting monthly training sessions in Montgomery County for its customers on safe and appropriate operation of Dockless Vehicles, including appropriate parking behaviors and locations and traffic rules.” Instead, would the County consider hosting these and inviting a different operator to lead each month?

Response: MCDOT would consider hosting some of these training sessions and inviting all of the companies to participate.

9. “Montgomery County may, in its sole discretion, request or approve changes to the minimum and maximum fleet sizes within defined subareas of the County upon notification to Name of Company.”

Will the County agree to provide at least 15 days notice before a request for fleet size change?

Response: MCDOT agrees that a certain notice is appropriate. MCDOT will consider the amount of notice and modify the MOU appropriately.

10. On insurance, would the County consider limits of not less than \$1 million per occurrence, \$3 million excess? This is more in line with the risks the insurance requirements of other markets in the region.

Response: MCDOT will not modify the insurance requirement. This level of coverage is the current level of insurance in the first pilot program and is acceptable to the County’s Risk Management Office.

Question 1: Is the County amenable to conforming its MOU’s speed restrictions and insurance requirements with those in neighboring jurisdictions (which limit speed to 10mph and require a \$1,000,000 per occurrence and with excess liability limits of at least \$2,000,000 per occurrence and in the aggregate?

Response: MCDOT is not amenable to changing the MOU speed restrictions and insurance requirements currently.

Question 2: When does the County anticipate that companies participating in the demonstration project will launch e-scooter operations? Does the County have a specific date selected?

Response: MCDOT expects companies selected for the Demonstration Project will begin program implementation once the MOU is executed. MCDOT expects that the companies will ramp up the number of dockless vehicles over the first few weeks.

Question 3: What are the County's goals and priorities for the e-scooter demonstration project and companies participating in the project?

Response: MCDOT desires to facilitate the Demonstration Project to assess the viability of dockless vehicle sharing operations in Montgomery County and to understand the parameters that will allow dockless vehicle sharing to operate effectively while avoiding any public nuisance over operations.

Question 4: Is participation in the e-scooter demonstration project a prerequisite to participation in a future permanent e-scooter program?

Response: MCDOT has not made this determination at this point.